

# Exhibit A

## Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet

CUMBERLAND

County

For Prothonotary Use Only:

Docket No:

2023-04874

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

## Commencement of Action:

- ☒ Complaint      ☐ Writ of Summons      ☐ Petition  
☐ Transfer from Another Jurisdiction      ☐ Declaration of Taking

 Lead Plaintiff's Name:  
Matthew Rapoport

 Lead Defendant's Name:  
Napa Transportation, Inc.

 Are money damages requested? ☒ Yes      ☐ No

 Dollar Amount Requested: ☐ within arbitration limits  
☒ outside arbitration limits

 Is this a Class Action Suit?      ☐ Yes      ☒ No

 Is this an MDJ Appeal?      ☐ Yes      ☒ No

Name of Plaintiff/Appellant's Attorney: Steve T. Mahan, Weisberg Cummings, P.C.

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

**Nature of the Case:** Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT** (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other: \_\_\_\_\_

**MASS TORT**

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other: \_\_\_\_\_

**PROFESSIONAL LIABILITY**

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional: \_\_\_\_\_

**CONTRACT** (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other \_\_\_\_\_  
☒ Employment Dispute: Discrimination  
☐ Employment Dispute: Other \_\_\_\_\_  
☐ Other: \_\_\_\_\_

**REAL PROPERTY**

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other: \_\_\_\_\_

**CIVIL APPEALS**

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other \_\_\_\_\_  
☐ Zoning Board  
☐ Other: \_\_\_\_\_

**MISCELLANEOUS**

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other: \_\_\_\_\_

Counsel for the Plaintiff  
Weisberg Cummings, P.C.  
2704 Commerce Drive, Suite B  
Harrisburg, PA 17110  
(717) 238-5707

CLERK OF COURT  
CUMBERLAND COUNTY  
PENNSYLVANIA  
2023 JUN 12 PM 3:23

IN THE COURT OF COMMON PLEAS  
CUMBERLAND COUNTY, PENNSYLVANIA

MATTHEW RAPOPORT,

Plaintiff,

v.

NAPA TRANSPORTATION, INC.,

Defendant.

NO. 2023-04876

CIVIL ACTION – LAW

**NOTICE**

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

CUMBERLAND COUNTY BAR ASSOCIATION  
34 S. Bedford Street  
Carlisle, Pennsylvania 17013  
(717) 249-3166

**TRUE COPY FROM RECORD**

In Testimony whereof, I here unto set my hand and the seal of said Court at Carlisle, Pa.

This 12 day of June, 20 23

*Michael W. Smith* Prothonotary



**AVISO**

USTED HA SIDO DEMANDADO/A EN CORTE. Si usted desea defenderse de las demandas que se presentan más adelante en las siguientes páginas, debe tomar acción dentro de los próximos veinte (20) días después de la notificación de esta Demanda y Aviso radicando personalmente o por medio de un abogado una comparecencia escrita y radicando en la Corte por escrito sus defensas de, y objeciones a, las demandas presentadas aquí en contra suya. Se le advierte de que si usted falla de tomar acción como se describe anteriormente, el caso puede proceder sin usted y un fallo por cualquier suma de dinero reclamada en la demanda o cualquier otra reclamación o remedio solicitado por el demandante puede ser dictado en contra suya por la Corte sin más aviso adicional. Usted puede perder dinero o propiedad u otros derechos importantes para usted.

USTED DEBE LLEVAR ESTE DOCUMENTO A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, LLAME O VAYA A LA SIGUIENTE OFICINA. ESTA OFICINA PUEDE PROVEERLE INFORMACION A CERCA DE COMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGAR POR LOS SERVICIOS DE UN ABOGADO, ES POSIBLE QUE ESTA OFICINA LE PUEDA PROVEER INFORMACION SOBRE AGENCIAS QUE OFREZCAN SERVICIOS LEGALES SIN CARGO O BAJO COSTO A PERSONAS QUE CUALIFICAN.

CUMBERLAND COUNTY BAR ASSOCIATION  
34 S. Bedford Street  
Carlisle, Pennsylvania 17013  
(717) 249-3166

**IN THE COURT OF COMMON PLEAS  
CUMBERLAND COUNTY, PENNSYLVANIA**

MATTHEW RAPOPORT,

Plaintiff,

v.

NAPA TRANSPORTATION, INC.,

Defendant.

NO. 2023-04874

CIVIL ACTION – LAW

**COMPLAINT**

Plaintiff, Matthew Rapoport, a resident of Cumberland County, Pennsylvania, by and through his attorneys, brings this civil action for damages against the above named Defendant, NAPA Transportation, Inc., and complains and alleges as follows:

1. Plaintiff, Matthew Rapoport ("Mr. Rapoport"), is an adult individual residing in Mechanicsburg, Cumberland County, Pennsylvania.

2. Defendant, NAPA Transportation, Inc. ("Defendant"), is a Pennsylvania corporation headquartered at 4800 East Trindle Road, Mechanicsburg, Cumberland County, Pennsylvania.

3. In order to treat a disability from which he suffers, Mr. Rapoport applied for and received a Medical Marijuana Card.

4. At all times material to this Complaint, Mr. Rapoport was certified to use medical marijuana under the Medical Marijuana Act, 35 Pa. Stat. Ann. § 10231.101, *et seq.* ("MMA")

5. On or about September 11, 2021, Mr. Rapoport applied for and was offered the position of Customer Service Representative with Defendant.

6. The Customer Service Representative position does not require any tasks or job responsibilities that medical marijuana patients are prohibited from performing under the MMA, 35 Pa. Stat. Ann. § 10231.510, nor is it regulated by federal law.

7. As part of the application and hiring process, Mr. Rapoport was informed that he would have to submit to a drug test.

8. Mr. Rapoport subsequently disclosed to Defendant's Human Resources representative that he had a medical marijuana card and would therefore be unable to pass a drug test.

9. Defendant informed Mr. Rapoport that it would not honor his medical marijuana card and refused him employment on that basis.

### **COUNT I**

#### **Violation of Medical Marijuana Act**

10. All prior paragraphs are incorporated herein as if set forth fully below.

11. At all times material to this Complaint, Mr. Rapoport was certified to use medical marijuana under the MMA.

12. Mr. Rapoport informed Defendant of his authorized use of medical marijuana.

13. Pursuant to Section 2103(b) of the MMA, "[n]o employer may discharge, threaten, refuse to hire or otherwise discriminate or retaliate against an employee regarding an employee's compensation, terms, conditions, location or privileges solely on the basis of such employee's status as an individual who is certified to use medical marijuana." 35 Pa. Stat. Ann. § 10231.2103.

14. Mr. Rapoport was within the protective class of individuals as defined by the MMA.

15. Defendant violated the MMA by refusing to hire Mr. Rapoport without a clean drug test for, *inter alia*, medical marijuana, on the basis of his status as an individual who is certified to use medical marijuana.

16. Defendant further violated the MMA by maintaining an employment policy that does not account for the lawful use of medical marijuana as a prescribed treatment for Mr. Rapoport's disability.

17. Upon information and belief, Defendant continues to maintain this policy in violation of the MMA.

18. As a direct and proximate result of the conduct of Defendant in violating the MMA, Mr. Rapoport has been permanently and irreparably harmed and damaged and has and will continue to lose benefits of employment such as lost earnings, lost employment benefits, and non-economic damages in the form of embarrassment, humiliation, and anxiety.



**WHEREFORE**, Mr. Rapoport respectfully requests that this Honorable Court declare the conduct engaged in by Defendant to be in violation of Mr. Rapoport's rights under the Medical Marijuana Act and award all compensatory damages, lost wages (and raises) and benefits, front pay and back pay, lost future earning capacity, punitive damages, and any pre and/or post judgment interest on all money awarded in damages for delay.

Respectfully submitted,

Weisberg Cummings, P.C.

JUNE 6 2023  
Date



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(717) 238-5707  
(717) 233-8133 (Fax)

*Attorney for Plaintiff*



**VERIFICATION**

I, Matthew Rapoport, verify that I am the Plaintiff in the foregoing Complaint and that the facts set forth therein are true and correct to the best of my knowledge, information, and belief; and that this verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

Dated: 5/27/2023 \_\_\_\_\_

DocuSigned by:

*Matthew Rapoport*

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Matthew Rapoport

I certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted By: Attorney for Plaintiff

Signature: 

Name: Steve T. Mahan

Attorney No. (if applicable): 313550